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National Fire & Marine Insurance Company  
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11 **UNITED STATES DISTRICT COURT**  
12 **DISTRICT OF NEVADA**

13 **SCOTTSDALE INSURANCE COMPANY,**  
an Ohio corporation,  
14

15 Plaintiff,

16 vs.

17 PATRICK C. McCLAIN, an individual dba A  
ADMIRAL PREMIER POOL & SPAS, AA  
PREMIER POOLS & SPA and PARADISE  
18 POOLS, AA PREMIER POOLS & SPAS,  
INC., a Nevada corporation, NATIONAL  
19 FIRE & MARINE INSURANCE COMPANY,  
a Nebraska corporation, BIG HORN  
20 HOMEOWNERS ASSOCIATION, INC., a  
Nevada nonprofit corporation, TRI-  
21 SHAMROCK CONTRACTORS, INC., a  
Nevada corporation, BIG HORN, LLC, a  
22 Nevada Limited Liability Company, and  
DOES 1 through 5, inclusive,  
23

24 Defendants.  
25  
26  
27  
28

Case No.: CV-S-05-0706-LRH--RJJ

**STIPULATION BETWEEN  
COUNSEL EXTENDING TIME [FOR  
NATIONAL FIRE & MARINE  
INSURANCE COMPANY TO RESPOND  
TO PLAINTIFF'S MOTION FOR  
SUMMARY JUDGMENT] THROUGH  
FEBRUARY 12, 2008; REQUEST THAT  
THE COURT APPROVE THE  
STIPULATION AND PERMIT  
ADDITIONAL TIME**

**[NATIONAL FIRE'S SECOND  
REQUEST]**

**KOLESAR & LEATHAM, CHTD.**  
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1 NATIONAL FIRE & MARINE INSURANCE  
2 COMPANY, a Nebraska corporation,

3 Cross-Claimant,

4 vs.

5 PATRICK McCLAIN, an individual,

6 Cross-Defendant.

7 **AS TO DEFENDANT'S PENDING MOTION**

8 Counsel stipulate and agree that Plaintiff may serve and file its Opposition to  
9 Defendant's Motion For Summary Judgment on or before January 26, 2008.

10 **FURTHER STIPULATION**

11 Counsel for Plaintiff Patrick McClain and defendant, National Fire & Marine Insurance  
12 Company, further stipulate and agree that National Fire & Marine Insurance Company may have  
13 additional time through and including February 12, 2008, in which to respond to Plaintiff's  
14 Motion for Summary Judgment.

15 **REASONS THAT NATIONAL FIRE IS IN NEED OF ADDITIONAL TIME**

16 Undersigned counsel for defendant attests that a draft of the opposition to the plaintiff's  
17 dispositive motion has been in existence for more than a week and is in need of substantial  
18 revision. Although the body of the motion to which it responds, is 24 pages, the entire filing,  
19 including exhibits and other supporting papers is 282 pages. Undersigned defense counsel  
20 reports to the General Counsel's office of the defendant insurer, which wishes to more fully vet  
21 the papers in existence and has requested a revision and amplification in the opposition of  
22 matters concerning the state of the record, made part of the moving papers. If the Court grants  
23 the time through February 12, 2008, the vetting process and consultation necessary with the  
24 client can take place. Undersigned counsel is outbound on business to New York for most of the  
25 next week, January 28, 2008 through February 2, 2008. Counsel is confident that this amount of  
26 time through February 12, 2008, will allow sufficient scrutiny by the client and vetting of the  
27 brief in opposition to plaintiff's motion. Both plaintiff and defendant have filed dispositive  
28

1 motions and it is likely that disposition will greatly truncate the proceedings scheduled for trial  
2 on April 29, 2008.

3 This Stipulation is sought in good faith and not for purposes of delay.

4 DATED this 24 day of January, 2008.

5  
6 KOLESAR & LEATHAM, CHTD.

DRASKOVICH & ORONoz

7  
8 BY: 

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BY: 

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11 ATTORNEYS FOR DEFENDANT  
12 NATIONAL FIRE & MARINE  
13 INSURANCE COMPANY

ATTORNEYS FOR PATRICK  
McCLAIN

14 ORDER

15 IT IS SO ORDERED.



17 LARRY R. HICKS  
18 UNITED STATES DISTRICT JUDGE

19 DATED: January 25, 2008

KOLESAR & LEATHAM, CHTD.  
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